

REMARKS

Claims 1-35 were previously pending and under consideration in the above-referenced application, each standing rejected.

New claims 36-38 have been added.

Reconsideration of the above-referenced application is respectfully requested.

Prior Grounds of Rejection

The remarks applicable to the Office's prior grounds for rejecting claims 1-35 are reiterated as if set forth in their entirety herein. It is respectfully submitted that each of claims 1-35 is directed to subject matter which is allowable over the rejections presented in the final Office Action of September 12, 2005, and requested that the rejections of these claims be withdrawn.

New Claims

New claims 36-38 have been added.

New claim 36 is an independent claim that recites a transducer with a detector that is substantially stable for periods of about eight hours or more. None of the art upon which the Office has relied in its prior rejections of claims in the above-referenced application discloses a transducer with a detector that is substantially stable for this length of time.

New claim 37 depends from claim 36, and recites that the detector has a stability of about ± 2 torr over eight hours at an atmospheric oxygen concentration. None of the art upon which the Office has based its prior rejections discloses a transducer with a detector having such stability.

New claim 38 is an independent claim that is directed to a transducer with a source that is configured to emit light in a modulated fashion and a signal processor that receives a signal from a detector and outputs a modified signal with a phase angle corresponding to a decay time of an excited luminescent composition of a respiratory flow component with which the transducer is configured to be assembled. Again, the art upon which the Office has based its prior claim

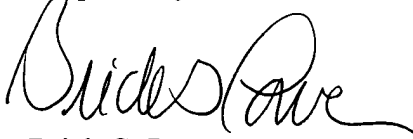
rejections does not disclose a transducer with either a source or a signal processor that with the features recited in new independent claim 38.

Therefore, the subject matter recited in new claims 36-38 is believed to be allowable over the art upon which the Office previously based its claim rejections.

CONCLUSION

It is respectfully submitted that each of claims 1-38 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



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